



**NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: G. Paul Koning, Peter C. Hayden and Paula Long
Application No.: 10/762,984 Group: 2188
Filed: January 21, 2004 Examiner: Doan, Duc T.
Confirmation No.: 5998
For: Block Data Migration

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>2-10-09</u> Date	<u>Nadine Z. Kush</u> Signature
<u>Nadine Z. Kush</u> Typed or printed name of person signing certificate	

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Commissioner for Patents
P.O. Box 1450
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Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated September 10, 2008 of the Examiner finally rejecting claims 1-10, 12, 14-21 and 23. The item(s) checked below are appropriate:

1. ☒ Applicant hereby petitions to extend the time for filing a Notice of Appeal in response to the Office Action Made Final dated September 10, 2008 for two month(s) from December 10, 2008 to February 10, 2009.
2. ☐ A [] month extension of time to respond to the Office Action Made Final dated [] was filed on [] with payment of a \$[] fee.
☐ Applicant hereby petitions for an additional [] month extension of time to respond to the Office Action Made Final.

02/12/2009 ETECLE1 00000011 10762984

01 FC:1401
02 FC:1252

540.00 OP
490.00 OP

3. Fees are submitted for the following:

<input checked="" type="checkbox"/>	Extension of Time for two month(s)	\$490
<input type="checkbox"/>	Additional Extension of Time:	
	Fee for Extension ([] mo.)	\$[]
	Less fee paid ([] mo.) -	\$[]
	Balance of fee due	\$[]
<input checked="" type="checkbox"/>	Notice of Appeal	\$540
<input type="checkbox"/>	Other	\$[]
	TOTAL	\$1,030

4. The method of payment for the total fees is as follows:

- ☒ A check in the amount of \$1,030 is enclosed.
- ☐ Please charge Deposit Account No. 08-0380 in the amount of \$[].

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

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Dated:

2/10/09